

Serial No.: 09/548,322
Atty. Docket No.: 110768.00102

REMARKS

In view of the above amendments and foregoing remarks, favorable reconsideration in this application is respectfully requested. By this Amendment, claims have been amended and new claims 44-51 added. Accordingly, claims 1-51 remain pending in the application, including independent claims 1, 10, 14, 17, 20, 23, 27, 31, 35, 38, 41, 44, 46-48, and 51.

Information Disclosure Statement

An Office Action issued in co-pending application number 09/548,322. The references cited in that Office Action are submitted herewith on the enclosed Information Disclosure Statement.

Claim Rejections – Double Patenting

The Examiner rejects claims 1-43 for obviousness-type double patenting as being unpatentable over claims 1-28 of U.S. Patent No. 6,321,267. Applicant does not agree with the Examiner's rejection. For instance, claim 8 of the '267 patent does not disclose a memory storing rejected messages, as stated by the Examiner, but instead stores recipient addresses (not messages). However, since the application is commonly owned with the '267 patent, and the Applicant intends that the application remain commonly owned with the '267 patent, a terminal disclaimer has no impact on the Applicant. Accordingly, a terminal disclaimer is submitted herewith, and the Examiner's double patenting rejection is moot.

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The claims have been amended to more clearly recite the invention. It is respectfully submitted that the claims, which have been slightly broadened, are still in condition for allowance. The changes to the claims have support in the specification.

For instance, the “dialup filter” was changed to a “client filter” that determines if the remote host is a client computer. A “dialup” includes various ways of a computer connecting, such as wired cable, and is not limited to computers connecting via a switched telephone network. (See page 12, lines 14-18). As noted at page 36, lines 12-18 of the specification, these dialup computers are not servers, but are commonly used by spammers (both directly by the owner and indirectly by being hijacked) to simulate the SMTP interactions intended for servers. If the remote host is a client computer, the client filter determines that the message is at risk of being spam. All messages have a sender address. Some sender addresses refer to an actual sender, and other sender addresses are forged. The address verification test refers to determining if the claimed sender address exists and will accept mail, or if the claimed sender address is forged.

New claims 44-51 are more broadly directed to the invention. Support is found, for instance, at page 51, lines 4-5, Fig. 18 (step 1463), page 55, lines 13-24, and page 52, line 10 to page 53, line 14.

In the event there are any questions relating to this Amendment or to the application in general, it would be appreciated if the Examiner would telephone the undersigned attorney concerning such questions so that the prosecution of this application may be expedited.


Please charge any shortage or credit any overpayment of fees to BLANK ROME LLP, Deposit Account No. 23-2185 (110768.00102). In the event that a petition for an extension of

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time is required to be submitted herewith and in the event that a separate petition does not accompany this response, Applicant hereby petitions under 37 CFR 1.136(a) for an extension of time for as many months as are required to render this submission timely. Any fee due is authorized above.

Respectfully submitted,

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